

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

Intersections Inc. and Net Enforcers, Inc.,

Plaintiffs,

v.

Joseph C. Loomis and Jenni M. Loomis,

Defendants.

Civil Action No. 1:09CV597 (LMB/TCB)

PLAINTIFFS' OBJECTIONS TO DEFENDANTS' TRIAL EXHIBITS

In accordance with the Court's July 7, 2009 Order, Plaintiffs Intersections Inc. and Net Enforcers, Inc. (collectively, "Plaintiffs") hereby object to Defendants Joseph C. Loomis' and Jenni M. Loomis' (collectively, "Defendants") proposed trial exhibits as follows:

GENERAL OBJECTIONS

In general, in objecting to Defendants' proposed trial exhibits, Plaintiffs have attempted to anticipate the likely proffered uses for Defendants' proposed exhibits, but may not have anticipated all conceivable purposes for which Defendants may seek to introduce their proposed exhibits. Plaintiffs further note that a number of Defendants' proposed exhibits have also been designated as exhibits by Plaintiffs ("common exhibits"). Because, under the Federal Rules of Evidence, (1) documents that are admissible on behalf of one party may not necessarily be admitted on behalf of another, and (2) documents admissible for certain purposes may not be admissible for other purposes, Plaintiffs reserve the right to object to Defendants' use of any of the proposed exhibits (including common exhibits) to the extent that such proposed use by Defendants is impermissible in this case under the Federal Rules of Evidence.

In particular, Plaintiffs reserve the right to object to any of Defendants' proposed exhibits on relevance grounds to the extent the scope of the trial may be affected by rulings on motions filed in this case or other developments in the litigation. Moreover, Plaintiffs have refrained from interposing hearsay objections as to certain proposed exhibits purportedly generated by Defendants. Plaintiffs, however, reserve the right to object to any use of "internal hearsay" in such documents, *i.e.*, assertions recorded in a document but stated by an individual other than the document's author and handwritten marginalia. Finally, Plaintiffs reserve the right to object to the use of any exhibit for which Defendants fail to lay a sufficient foundation at trial. The foregoing specific reservations of right are not intended to limit in any way Plaintiffs' right to object to any impermissible use of exhibits at trial by Defendants.

SPECIFIC OBJECTIONS

Without limiting or waiving the foregoing general objections, Plaintiffs further object to each of Defendants' proposed trial exhibits as follows:

1. Relevance.
2. Common exhibit (see general objections).
3. Authentication.
4. Common exhibit (see general objections).
5. Common exhibit (see general objections).
6. Foundation; authentication.
7. Foundation; authentication.
8. Foundation; authentication.
9. As to handwritten marginalia, authentication.
10. Foundation; authentication.

11. Foundation; authentication.
12. Foundation; authentication.
13. Common exhibit (see general objections).
14. Common exhibit (see general objections).
15. Common exhibit (see general objections).
16. Common exhibit (see general objections).
17. Common exhibit (see general objections).
18. Common exhibit (see general objections).
19. Common exhibit (see general objections).
20. Common exhibit (see general objections).
21. Common exhibit (see general objections).
22. Common exhibit (see general objections).
23. Authentication.
24. Common exhibit (see general objections).
25. Relevance; foundation; authentication.
26. Common exhibit (see general objections).
27. Common exhibit (see general objections).
28. Common exhibit (see general objections).
29. Common exhibit (see general objections).
30. Common exhibit (see general objections).
31. Common exhibit (see general objections).
32. Common exhibit (see general objections).
33. Common exhibit (see general objections).

34. Common exhibit (see general objections).
35. Common exhibit (see general objections).
36. Common exhibit (see general objections).
37. Common exhibit (see general objections).
38. Common exhibit (see general objections).
39. Common exhibit (see general objections).
40. Common exhibit (see general objections).
41. Common exhibit (see general objections).
42. Common exhibit (see general objections).
43. No objection.
44. Common exhibit (see general objections).
45. Common exhibit (see general objections).
46. Common exhibit (see general objections).
47. Foundation; authentication.
48. Common exhibit (see general objections).
49. Foundation; authentication.
50. Common exhibit (see general objections).
51. Common exhibit (see general objections).
52. Common exhibit (see general objections).
53. Common exhibit (see general objections).
54. Common exhibit (see general objections).
55. Common exhibit (see general objections).
56. Common exhibit (see general objections).

- 57. Common exhibit (see general objections).
- 58. Foundation; authentication.
- 59. Common exhibit (see general objections).
- 60. Common exhibit (see general objections).
- 61. Common exhibit (see general objections).
- 62. Common exhibit (see general objections).
- 63. Common exhibit (see general objections).
- 64. Common exhibit (see general objections).
- 65. Common exhibit (see general objections).
- 66. Common exhibit (see general objections).
- 67. Common exhibit (see general objections).
- 68. Common exhibit (see general objections).
- 69. Common exhibit (see general objections).
- 70. Common exhibit (see general objections).
- 71. Common exhibit (see general objections).
- 72. Common exhibit (see general objections).
- 73. Common exhibit (see general objections).
- 74. Common exhibit (see general objections).
- 75. Common exhibit (see general objections).
- 76. Common exhibit (see general objections).
- 77. Common exhibit (see general objections).
- 78. Common exhibit (see general objections).
- 79. Common exhibit (see general objections).

80. Foundation; authentication.
81. Foundation; authentication.
82. Common exhibit (see general objections).
83. Common exhibit (see general objections).
84. Common exhibit (see general objections).
85. Common exhibit (see general objections).
86. Common exhibit (see general objections).
87. Common exhibit (see general objections).
88. Common exhibit (see general objections).
89. Common exhibit (see general objections).
90. Common exhibit (see general objections).
91. Common exhibit (see general objections).
92. Common exhibit (see general objections).
93. Common exhibit (see general objections).
94. Common exhibit (see general objections).
95. Common exhibit (see general objections).
96. Common exhibit (see general objections).
97. Common exhibit (see general objections).
98. Common exhibit (see general objections).
99. Common exhibit (see general objections).
100. Common exhibit (see general objections).
101. Common exhibit (see general objections).
102. Common exhibit (see general objections).

103. Foundation; authentication.
104. Relevance.
105. Foundation; authentication.
106. Relevance; foundation; authenticity; hearsay.
107. No objection.
108. Common exhibit (see general objections).
109. Foundation; authentication.
110. No objection.
111. Foundation; authentication.
112. Common exhibit (see general objections).
113. No objection.
114. No objection.
115. Foundation; authentication.
116. No objection.
117. No objection.
118. No objection.
119. Relevance; foundation; authentication.
120. Foundation; authentication.
121. No objection.
122. No objection.
123. No objection.
124. Common exhibit (see general objections).
125. Common exhibit (see general objections).

126. No objection.
127. Relevance; authentication.
128. Common exhibit (see general objections).
129. No objection.
130. Common exhibit (see general objections).
131. No objection.
132. No objection.
133. Common exhibit (see general objections).
134. Common exhibit (see general objections).
135. No objection.
136. Common exhibit (see general objections).
137. Common exhibit (see general objections).
138. Common exhibit (see general objections).
139. No objection.
140. No objection.
141. No objection.
142. No objection.
143. No objection.
144. Foundation; authentication.
145. Hearsay; foundation; authentication.
146. No objection.
147. Foundation; authentication.
148. No exhibit was provided. All objections reserved.

149. No exhibit was provided. All objections reserved.
150. Relevance.
151. Hearsay; foundation; authentication.
152. Hearsay; foundation; authentication.
153. Hearsay; foundation; authentication.
154. Foundation; authentication.
155. Foundation; authentication; hearsay; relevance.
156. Foundation; authentication; hearsay; relevance.
157. Relevance.
158. Common exhibit (see general objections).
159. Common exhibit (see general objections).
160. Common exhibit (see general objections).
161. Common exhibit (see general objections).
162. Common exhibit (see general objections).
163. Common exhibit (see general objections).
164. Common exhibit (see general objections).
165. Common exhibit (see general objections).
166. Common exhibit (see general objections).
167. Common exhibit (see general objections).
168. Relevance.
169. No objection.
170. No objection.
171. No objection.

172. Foundation; authentication.

173. No objection.

174. No objection.

175. Common exhibit (see general objections).

176. No objection.

177. No objection.

178. No exhibit was provided. All objections reserved.

179. No exhibit was provided. All objections reserved.

180. No exhibit was provided. All objections reserved.

181. No exhibit was provided. All objections reserved.

182. No exhibit was provided. All objections reserved.

183. No exhibit was provided. All objections reserved.

184. No exhibit was provided. All objections reserved.

185. No exhibit was provided. All objections reserved.

186. No exhibit was provided. All objections reserved.

187. No exhibit was provided. All objections reserved.

188. No exhibit was provided. All objections reserved.

“Sensei Enterprises, Inc. (Case No. 1740)” – No exhibit was provided. All objections reserved.

189. Relevance; foundation; authentication; hearsay.

190. Relevance; foundation; authentication; hearsay.

191. Relevance; foundation; authentication; hearsay.

192. Foundation; authentication.

193. No objection.

- 194. Relevance.
- 195. Common exhibit (see general objections).
- 196. Relevance; foundation; authentication.
- 197. Relevance; foundation; authentication.
- 198. Common exhibit (see general objections).
- 199. Common exhibit (see general objections).
- 200. No objection.
- 201. No objection.
- 202. Common exhibit (see general objections).
- 203. No objection.
- 204. No objection.
- 205. Relevance.
- 206. Common exhibit (see general objections).
- 207. No objection.
- 208. Relevance.
- 209. Relevance.
- 210. Relevance; hearsay; foundation; authentication.
- 211. Relevance.
- Defendants' 212.¹ Foundation; authentication.
- 400. Relevance; foundation; authentication; hearsay.
- 401. Relevance; foundation; authentication; hearsay.

¹ In numbering their trial exhibits, Plaintiffs inadvertently designated a different document as Exhibit 212. Plaintiffs, therefore, will refer to the two separate documents designated as Exhibit 212 as "Plaintiffs' Exhibit 212" and "Defendants' Exhibit 212."

- 402. Relevance; foundation; authentication; hearsay.
- 403. Relevance; foundation; authentication; hearsay.
- 404. Relevance; foundation; authentication; hearsay.
- 405. Relevance; foundation; authentication; hearsay.
- 406. Relevance; foundation; authentication; hearsay.
- 407. Relevance.
- 408. Authentication.
- 409. No objection.
- 410. Relevance; foundation; authentication; hearsay.
- 411. Relevance; foundation; authentication; hearsay.
- 412. Relevance; foundation; authentication; hearsay.
- 413. No objection.
- 414. No objection.
- 415. Relevance; foundation; authentication; hearsay.
- 416. Foundation; authentication.
- 417. Relevance; authentication; foundation.
- 418. Relevance; foundation; authentication; hearsay.
- 419. Relevance; authentication; foundation.
- 420. Foundation; authentication; hearsay.
- 421. Foundation; authentication; hearsay.
- 422. Foundation; authentication; hearsay.
- 423. No objection.
- 424. Relevance; foundation; authentication; hearsay.

- 425. Relevance; foundation; authentication; hearsay.
- 426. Relevance.
- 427. Relevance; foundation; authentication; hearsay.
- 428. Relevance; foundation; authentication; hearsay.
- 429. Foundation; authentication; hearsay.
- 430. Foundation; authentication.
- 431. Relevance; foundation; authentication; hearsay.
- 432. Relevance; foundation; authentication; hearsay.
- 433. Foundation; authentication.
- 434. Hearsay.
- 435. Hearsay.
- 436. Hearsay.
- 437. Hearsay.
- 438. Hearsay.
- 439. Hearsay.
- 440. Hearsay.
- 441. Hearsay.
- 442. Relevance.
- 443. Relevance.
- 444. Relevance; foundation; authentication; hearsay.
- 445. Relevance; foundation; authentication; hearsay.
- 446. Relevance.
- 447. Relevance.

- 448. No objection.
- 449. Relevance.
- 450. Relevance; foundation; authentication.
- 451. No objection.
- 452. Foundation; authentication; relevance.
- 453. No objection.
- 454. Relevance; authentication; foundation.
- 455. Relevance; authentication; foundation.
- 456. Relevance; authentication; foundation; hearsay.
- 457. Relevance; foundation; authentication.
- 458. Foundation; authentication.
- 459. Foundation; authentication.
- 460. Foundation; authentication.
- 461. Foundation; authentication.
- 462. Foundation; authentication.
- 463. Foundation; authentication.
- 464. No objection.
- 465. Foundation; authentication.
- 466. Foundation; authentication.
- 467. Relevance.
- 468. No objection.
- 469. No objection.
- 470. No objection.

- 471. Relevance; hearsay.
- 472. Foundation; authentication.
- 473. Foundation; authentication; relevance.
- 474. Relevance; hearsay.
- 475. Foundation; authentication.
- 476. Relevance.
- 477. Foundation; authentication; relevance.
- 478. Relevance.
- 479. Relevance.
- 480. No objection.
- 481. No objection.
- 482. Foundation; authentication.
- 483. Relevance; foundation; authentication.
- 484. Relevance; foundation; authentication.
- 485. Relevance.
- 486. No objection.
- 487. Relevance.
- 488. Relevance.
- 489. Relevance.
- 490. No objection.
- 491. Foundation; authentication.
- 492. Relevance.
- 493. Relevance.

- 494. Relevance.
- 495. Relevance.
- 496. Relevance.
- 497. Foundation; authentication; relevance.
- 498. Relevance.
- 499. Relevance; foundation; authentication.
- 500. Foundation; authentication.
- 501. Foundation; authentication.
- 502. No objection.
- 503. Relevance.
- 504. Relevance; hearsay.
- 505. Relevance; foundation; authentication; hearsay.
- 506. Foundation; authentication; hearsay.
- 507. Foundation; authentication; relevance.
- 508. Hearsay.
- 509. Hearsay.
- 510. Relevance; hearsay.
- 511. Relevance; foundation; authentication; hearsay.
- 512. Relevance; foundation; authentication; hearsay.
- 513. Relevance; hearsay.
- 514. Relevance; hearsay.
- 515. Relevance; hearsay.
- 516. Hearsay.

- 517. Hearsay.
- 518. No objection.
- 519. No objection.
- 520. Relevance; foundation; authentication; hearsay.
- 521. Foundation; authentication; relevance.
- 522. No objection.
- 523. Hearsay; relevance.
- 524. Relevance; hearsay.
- 525. Relevance.
- 526. Relevance; foundation; authentication.
- 527. Relevance; foundation; authentication.
- 528. Relevance.
- 529. Relevance.
- 530. Relevance.
- 531. Relevance.
- 532. No objection.
- 533. No objection.
- 534. Relevance; foundation; authentication; hearsay.
- 535. Hearsay.
- 536. Relevance; foundation; authentication; hearsay.
- 537. Relevance; foundation; authentication; hearsay.
- 538. Relevance; foundation; authentication; hearsay.
- 539. Hearsay.

- 540. Relevance.
- 541. Relevance.
- 542. Relevance.
- 543. Relevance.
- 544. Relevance.
- 545. Relevance.
- 546. Relevance.
- 547. Relevance.
- 548. Relevance.
- 549. Relevance; hearsay.
- 550. Relevance.
- 551. Relevance; hearsay.
- 552. Foundation; authentication; relevance.
- 553. Foundation; authentication; relevance.
- 554. Foundation; authentication.
- 555. Foundation; authentication.
- 556. No objection.
- 557. Foundation; authentication.
- 558. Relevance; foundation; authentication; hearsay.
- 559. No objection.
- 560. No objection.
- 561. No objection.
- 562. Foundation; authentication.

- 563. No objection.
- 564. Relevance; hearsay.
- 565. Foundation; authentication; relevance; hearsay.
- 566. Foundation; authentication.
- 567. Foundation; authentication.
- 568. Foundation; authentication.
- 569. Relevance; hearsay.
- 570. Relevance; foundation; authentication.
- 571. No objection.
- 572. No objection.
- 573. No objection.
- 574. No objection.
- 575. Relevance; foundation; authentication; hearsay.
- 576. Foundation; authentication.
- 577. Relevance; foundation; authentication; hearsay.
- 578. Relevance; foundation; authentication; hearsay.
- 579. No objection.
- 580. Relevance.
- 581. Relevance.
- 582. Relevance; hearsay.
- 583. Relevance.
- 584. No objection.
- 585. No objection.

- 586. No objection.
- 587. No objection.
- 588. Foundation; authentication.
- 589. Foundation; authentication.
- 590. No objection.
- 591. Foundation; authentication.
- 592. Foundation; authentication.
- 593. Foundation; authentication.
- 594. Relevance; foundation; authentication.
- 595. No objection.
- 596. No objection.
- 597. No objection.
- 598. Relevance; hearsay.
- 599. Relevance; hearsay.
- 600. Relevance.
- 601. Foundation; authentication.
- 602. Foundation; authentication.
- 603. Relevance.
- 604. Foundation; authentication.
- 605. Foundation; authentication.
- 606. No objection.
- 607. No objection.
- 608. Foundation; authentication.

- 609. Foundation; authentication.
 - 610. Foundation; authentication.
 - 611. No objection.
 - 612. No objection.
 - 613. Foundation; authentication.
 - 614. Foundation; authentication.
 - 615. No objection.
 - 616. No objection.
 - 617. Relevance; foundation; authentication; hearsay.
 - 618. No objection.
 - 619. Foundation; authentication.
 - 620. No objection.
 - 621. No objection.
 - 622. Foundation; authentication.
 - 623. Foundation; authentication.
 - 624. Foundation; authentication; relevance; hearsay.
 - 625. Foundation; authentication.
 - 626. No objection.
 - 627. Foundation; authentication; relevance.
- Expert Report of Stan Smith – hearsay.
- Expert Report of Jesse Lindmar – hearsay.

Dated: January 4, 2010

Respectfully submitted,

By: /s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of January, 20010, I caused the foregoing Plaintiffs' Objections to Defendants' Trial Exhibits to be electronically filed with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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